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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 **SAN FRANCISCO DIVISION**

20 IN RE: UBER TECHNOLOGIES, INC.,
21 PASSENGER SEXUAL ASSAULT
22 LITIGATION

Case No. 3:23-md-03084-CRB

**DEFENDANT UBER TECHNOLOGIES,
INC., RASIER, LLC, AND RASIER-CA,
LLC'S BRIEF IN SUPPORT OF
PRIVILEGE CLAIMS PURSUANT TO
SPECIAL MASTER ORDER NO. 4, § 11
(CHALLENGES TO MAY 19, 2025
PRIVILEGE LOG)**

23 This Document Relates to:

24 ALL ACTIONS

Pursuant to Special Master Order No. 4, § II (Dkt. 2933), Defendants submit this brief in support of Uber's privilege assertions for documents that Plaintiffs have challenged from Defendants' privilege logs issued on May 19, 2025. On May 23, 2025, Plaintiffs challenged approximately 160 documents. After conferrals, on June 2, 2025, Plaintiff submitted a final list of challenges to the Special Master that included 151 documents. Plaintiffs have since agreed to continue conferring on 2 of the 151 documents.¹ Defendants respectfully request that the Special Master uphold the privilege claims as to the 149 remaining documents submitted for review.

Defendants incorporate by reference the legal standard and arguments set forth in Defendants' prior briefing (Dkts. 2433, 2461, 2528, 2544, and 2580). As further support for their privilege claims, Defendants provide the arguments and factual support listed below, including the declarations of two Uber in-house attorneys: Daniel Kolta, Legal Director, Global Safety (Ex. A), and Scott Binnings, Associate General Counsel, Safety and Core Services (Ex. B). The applicable legal standard and arguments outlined below and in prior briefs, the declarations from in-house counsel, and the factual material previously provided to the Special Master,² when reviewed in conjunction with the challenged documents and the associated metadata fields, establish that the documents at issue are privileged.

I. Additional Context and Factual Information Supports Uber's Privilege Assertions.

Uber offers additional context and factual information to support the privilege assertions as to certain documents identified in the declarations of Uber in-house attorneys Daniel Kolta and Scott Binnings.

A. Document in Daniel Kolta's Declaration

As explained in Mr. Kolta's declaration (Ex. A), JCCP_MDL_PRIVLOG097150 is a Google

¹ As part of the parties' ongoing conferral on privilege and other discovery disputes, the parties have agreed that certain documents identified by June 16 that show information reflecting insurance loss or reserve amounts, settlement amounts, or loss runs will presumptively not be challenged, but will be the subject of further conferral. Pursuant to that agreement, the parties have agreed to continue to confer regarding challenges to JCCP_MDL_PRIVLOG096566 and JCCP_MDL_PRIVLOG096621.

² As requested by the Special Master, Uber has provided: (1) a glossary of terms commonly used in disputed documents, (2) a list of names and titles of relevant Uber inside and outside counsel, and (3) a digest of third-parties present in its privilege log. Defense counsel will also be available for any questions the Special Master may have during the review process.

Slide deck regarding recommendations for addressing riders banned for low ratings. Because the issue of banning riders implicates legal risk, including risks relating to discrimination lawsuits, he was involved in assessing the company's policies in that area. He directed the research and analysis contained in JCCP_MDL_PRIVLOG097150 and requested the preparation of the slide. Moreover, the recommendations in the presentation reflect legal advice that he provided. The presentation is therefore attorney-client privilege and work product protected. *See United States v. Sanmina Corp.*, 968 F.3d 1107, 1119 (9th Cir. 2020) (work-product doctrine protects “from discovery documents and tangible things prepared by a party or his representative in anticipation of litigation”); *Costco v. Wholesale Corp. Sup. Ct.*, 47 Cal. 4th 725, 740 (2009) (“If ‘the communications were made during the course of an attorney-client relationship’—as opposed to a relationship with some other ‘dominant purpose’—then ‘the communications, including any reports of factual material, would be privileged, even though the factual material might be discoverable by some other means.’”).

B. Documents in Scott Binnings’ Declaration

The three documents identified in Mr. Binnings’ declaration, JCCP_MDL_PRIVLOG096676, JCCP_MDL_PRIVLOG096672, and JCCP_MDL_PRIVLOG096704 are privileged because they were prepared at his direction and in anticipation of litigation.

As explained in Mr. Binnings’ declaration (Ex. B), JCCP_MDL_PRIVLOG096676 is a Google Slide presentation titled “Insurance Exposure Reduction” and the metadata date is January 9, 2018. The presentation is marked “Privileged & Confidential – Prepared at Direction of Counsel in Anticipation of Litigation.” Mr. Binnings is one of the collaborators of this presentation, and at the time directly advised the team that prepared the document. This presentation was prepared at his request in anticipation of litigation. Mr. Binnings and other Uber in-house attorneys on the Safety Team were closely involved with the development and implementation of the initiatives described in this presentation because they involved a number of legal issues and were motivated by efforts to reduce potential liability against the company and resulting costs. Mr. Binnings requested the creation of this slide deck to facilitate his provision of legal advice concerning ways to reduce legal risk and liability arising from safety incidents on the Uber platform.

JCCP_MDL_PRIVLOG096672 is also a Google Slide presentation titled “Insurance Exposure Reduction.” The date on the metadata is May 30, 2018. This presentation is also marked “Privileged & Confidential – Prepared at the Direction of Counsel in Anticipation of Litigation.” Like -6676, this presentation was created at Mr. Binnings’ direction and in anticipation of litigation. Preparing the presentation involved collecting and analyzing data regarding insurance liability and exposure leading to insurance costs, along with driver and rider risk factors, in various geographies to come up with a new methodology for managing these insurance liability risks. Uber’s in-house legal department coordinated and directed the data collection and analysis.

JCCP_MDL_PRIVLOG096704 is a subsequent presentation entitled “Safety Incentives Recommendation.” The date on the metadata is May 19, 2019. This presentation is also marked “Privileged & Confidential – Prepared at the Direction of Counsel in Anticipation of Litigation.” Mr. Binnings and his team were the primary internal attorneys who provided advice to the team that created this presentation, and the presentation was created at their direction and in anticipation of litigation. Mr. Binnings was involved in the development of these initiatives in an effort to identify ways to reduce Uber’s litigation and insurance exposure.

For these reasons, the Special Master should uphold the privilege assertion as to each of the documents submitted for review.

DATED: June 11, 2025

Respectfully submitted,

SHOOK HARDY & BACON L.L.P.

By: /s/ Maria Salcedo

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